

## BOARD OF SELECTMEN

Minutes of the Meeting of 27 April 2005 at 7:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Bruce Watts, Douglas Bennett, Whiting Willauer, Michael Glowacki and Brian Chadwick. Chairman Glowacki called the meeting to order at 7:00 PM.

### ANNOUNCEMENTS

Chairman Glowacki clarified new protocol for the "Public Comment" portion of the Board of Selectmen meeting, noting that it is the Board's wish to use the meeting time as effectively as possible.

### PUBLIC COMMENT

Nantucket resident John McLaughlin asked if the Town has any plans to fix the cobblestones at Lower Main Street.

Surfside resident Maureen Beck expressed gratitude with regard to the Fire Department's quick response in extinguishing a fire last Saturday night at Surfside Beach that threatened the dune area as well as several houses.

William Alexander, who conducts a "ghost tour" in the downtown area complained that he "is not being treated fairly" with regard to how he conducts his business.

Nantucket resident Richard Cooper commented on a meeting that was held by the Division of Fisheries and Wildlife (DFW) on April 23, 2005 in which Mr. Cooper stated "disparaging remarks were made about the Town of Nantucket" with regard to the February deer hunt the Town is hoping to end. Nantucket resident Carol Black also spoke on the matter and a brief discussion followed with Mr. Watts recommending that the Board set up a meeting with Nantucket's legislators as soon as possible to resolve this matter.

Approval of Minutes of 16 April 2005 at 7:00 PM. The minutes were approved by unanimous consensus of the meeting.

Approval of Payroll Warrant for Week Ending 24 April 2005. The payroll warrant was approved by unanimous consent of the meeting.

Approval of Treasury Warrant and Pending Contracts for Week Ending 27 April 2005. The treasury warrant and pending contracts were approved by unanimous consent of the meeting.

Public Hearing to Consider Application of the Westmoor Club for New Seasonal All Alcohol Beverages License, J. Brent Tartamella, Manager; New Common Victualler License; New Entertainment License for Premises Situated at 1 Straight Wharf. Chairman Glowacki opened the hearing and asked if any individual was present who wished to speak in favor of, or in opposition to the application. Brent Tartamella, manager of the club, spoke in favor of the applications and explained the proposed operation. As no one spoke in opposition, Chairman Glowacki closed the hearing. Mr. Watts moved to approve a new seasonal all alcoholic club beverages license, a new common victualler license and a new entertainment license; seconded by Mr. Chadwick. So voted.

Public Hearing to Consider Transfer of Seasonal All Alcoholic Beverages License from Sherburne Associates d/b/a Ropewalk to Joe Pantorno d/b/a Ropewalk, Inc., for Premises Situated at 1 Straight Wharf. Chairman Glowacki opened the hearing and asked if any individual was present who wished to speak in favor of, or in opposition to the application. Kevin Dale, attorney for Joe Pantorno, and Whitney Gifford, attorney for Sherburne Associates both spoke in favor. As no one spoke in opposition, Chairman Glowacki closed the hearing. Mr. Bennett moved to approve the transfer of a seasonal all alcoholic beverages license

from Sherburne Associates d/b/a Ropewalk to Joe Pantorno d/b/a Ropewalk, Inc.; seconded by Mr. Watts. So voted.

Public Hearing to Hear Appeal of Ernst J. Meyer of Historic District Commission Certificate of Appropriateness No. 45,475 to Disapprove New Dwelling for "Lack of Response" for Property Situated at 3 Red Barn Road (map 0593, parcel 044). Chairman Glowacki opened the hearing and asked who wished to speak in favor of the appeal. Appellant Ernst Meyer stated that he originally filed plans with the Historic District Commission (HDC) for a new dwelling on October 12, 2004 and attended a meeting on November 30, 2004 at which time he was directed to revise his plans. Mr. Meyer stated he was not pleased with this directive and then stated he had no intention of working with the Commission, after that meeting, and decided to appeal his case to the Board of Selectmen. Mr. Meyer added that the HDC staff contended a telephone call was made to his residence asking the Meyers to extend the application deadline for 60 days and that a woman believed to be Mrs. Meyer agreed. Mr. Meyer stated that no such call was made and a sixty day extension was not granted by him.

HDC Chairman Dirk Roggeveen explained that the original application was "incomplete" and "held for revisions." Mr. Roggeveen stated that the HDC is not obliged to contact applicants when the 60 day deadline approaches, but as a matter of courtesy, Assistant HDC Administrator Aaron Marcavitch received a "verbal 60 day ok" to extend the application from the "lady who answered the telephone." HDC Administrator Mark Voigt concurred with Mr. Roggeveen and added that the plans, as originally submitted, were "insufficient in detail" and the Meyers failed to respond with revisions and, consequently, the application was disapproved for "lack of response." Chairman Glowacki closed the hearing and some discussion followed. Mr. Willauer and Mr. Bennett stated they would like to see the telephone records and Mr. Bennett moved to postpone action until the telephone records have been reviewed. The motion failed for lack of a second. Mr. Chadwick moved to deny the appeal and to find that the HDC did not act in an arbitrary or capricious manner; seconded by Mr. Watts. So voted. Mr. Willauer and Mr. Bennett were opposed.

Town Administrator's Report.

Town Administrator Libby Gibson provided the Board with a proclamation to sign proclaiming May 1 – May 7, 2005 as "Municipals Clerks Week."

Storm Water Drainage Evaluation Report Presentation. Ms. Gibson introduced Jim Bassante, a consultant from Earth Tech, who gave a presentation on drainage outfall evaluation. Mr. Bassante outlined the stormwater management objectives: improving water quality by decreasing sediments in the Harbor; mitigating on-going flooding due to undersized outfall pipes and modifying deficiencies in the upstream systems. Mr. Bassante explained the field investigations performed to date, the existing conditions, the methodology, conceptual improvements proposed for best management practices and proposed implementation of the three phases. Nantucket residents Dan Drake, Rick Atherton, Phil Gallagher and Nancy Wheatly asked questions pertaining to the project. The Board thanked Mr. Bassante for his presentation. Ms. Gibson indicated that items from the report would be included in the FY 2007 capital project requests.

Review of Funding Options for Portion of Surfside Wastewater Treatment Facility Upgrade Project; and, Privilege Fees for Siasconset Wastewater Treatment Facility. Ms. Gibson provided a handout delineating the projected effects on taxpayers, current sewer users and new sewer users and Finance Director Connie Voges explained the numbers, noting that there are 3,730 estimated new users averaging 186 new connections a year at an estimated privilege charge connection of \$5,600. Some discussion followed and Ms. Voges explained how privilege charges can be used. Nantucket resident Nancy Wheatly asked why

those sewer users living in Siasconset cannot be assessed a privilege charge and Public Works Director Jeff Willett responded that the Board needs to re-evaluate how the Siasconset Treatment Plant is being paid for. Earth Tech consultant John Daniels stated that a privilege charge may not be assessed to someone who will not be using the plant. Some discussion followed concerning betterment charges. It was agreed that a future discussion will take place with regard to potential privilege charges for the Siasconset Treatment Facility. Mr. Chadwick moved that sewer privilege charges will be assessed to those unconnected properties in the Town Sewer District and needs areas (to those applying for connections effective April 28, 2005), once the final construction cost of the Surfside Wastewater Treatment Facility project is known, which will be when the project is complete (in 2008); seconded by Mr. Watts. So voted. Ms. Gibson noted that the town cannot collect the fees until the properties actually connect to the system, and this fee is in addition to the already established \$2,000 connection fee.

Update of Status of "Sewer Bank" and Infiltration/Inflow Project(s). Public Works Director Jeff Willett gave an update with regard to the "sewer bank" noting that the bank currently has a balance of 56,615 gallons which is equivalent to 515 bedrooms of allocated flow. Mr. Willett explained the ramifications of an amendment to Article 13 of the 2005 Annual Town Meeting which eliminated a proposed appropriation of \$3,135,000 which had been slated for corrective action on problem areas discovered during the I/I study. Mr. Willett recommended that funding be appropriated in the 2006 Annual Town Meeting for the next phase of the I/I program.

Solid Waste Enterprise Fund Report Review. Ms. Gibson noted that she distributed this report to the Board and the Finance Committee a few weeks ago for review. Mr. Watts stated he would like to discuss the report with the Finance Committee. After a brief discussion, it was agreed that Ms. Gibson would schedule a joint meeting with the Finance Committee to further discuss the report.

Review of Preliminary Fiscal Year 2007 Budget Development Timeline. A brief discussion followed and it was agreed that the Board would meet with the Finance Committee and School Committee on June 15, 2005 to begin preliminary discussions with regard to the fiscal year 2007 budget.

Ms. Gibson announced that a restorative certified nurse's aide graduation is scheduled for April 28, 2005 at Our Island Home.

Selectmen's Reports/Comments. Mr. Watts stated he would like to discuss the status of access to Smith's Point and asked why the gate to Jetties Beach is locked. Ms. Gibson responded that she believes nesting birds are there necessitating the closure of the gate.

There being no further business before the Board, the meeting was unanimously adjourned at 9:20 PM.

Approved the 18<sup>th</sup> day of May 2005.